

**No. 107**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2015**

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Senate Chamber, Lansing, Tuesday, December 8, 2015.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—excused  
Hertel—present  
Hildenbrand—present  
Hood—present

Hopgood—present  
Horn—present  
Hune—present  
Johnson—present  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—present  
O'Brien—present

Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—present  
Schuitmaker—present  
Shirkey—present  
Smith—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Dr. Joel Beeke of Puritan Reformed Seminary of Grand Rapids offered the following invocation:

Most High God, we thank Thee that Thou are the living, Triune God. Grant us to know Thy greatness and to feel our smallness. Thy kingdom is an everlasting kingdom, and Thy dominion is from generation to generation. Thou rules over the kingdom of humanity, and the powers that be are Thy servants for the good of mankind.

Heavenly Father, I thank Thee for these state legislators and pray that Thou would grant them in all that they do the holy fear of Thy name, which esteems the smiles and frowns of Thyself to be of greater value than the smiles and frowns of men. Guide them in all the decisions they make. Grant them wisdom—heavenly wisdom—above and beyond their own. Help them to serve Thee and others as men and women of truth, fairness, and love. Let them hate sin and to honor Thy Son, the King of kings and Lord of lords.

I pray they would pursue and promote spiritual, moral, and fiscal righteousness. Grant them the courage and wisdom to show mercy to the needy and to defend the defenseless. Fill them with an overflowing ocean of compassion. Let the reign of love be their motive and the law of love their rule. Let them strive to be godly men and women, well-known for their integrity. Let them be honored for their goodness by the people who elected them.

Lord, we live in troubling, sin-embracing times when many people seem to do that which is right in their own eyes rather than Thine, with regard to issues that relate to the sanctity of life and the foundational structures of our society. Lord, deliver us from going our own way. Help us all to humble ourselves before Thee, to repent sin, and to come back to Thee; for Thou has promised that if we repent, Thou will hear us from heaven, forgive our sins, and heal our land.

Wash away all of our shortcomings and sins in Christ's atoning blood. Help us to remember that Thou, O God, are the judge of all the earth. Grant us all, therefore, that we may find mercy from Thy Son when He returns to judge the living and the dead.

In Christ's name, we pray. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

### **Motions and Communications**

Senator Kowall moved that Senator Casperson be temporarily excused from today's session.  
The motion prevailed.

Senator Kowall moved that Senator Hansen be excused from today's session.  
The motion prevailed.

### **Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:07 a.m.

11:24 a.m.

The Senate was called to order by the President pro tempore, Senator Schuitmaker.

During the recess, Senator Casperson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### **Messages from the Governor**

The following messages from the Governor were received and read:

November 30, 2015

I respectfully submit to the Senate the following appointments to office:

#### **Michigan Civil Rights Commission**

Laura Reyes-Kopack of 9905 Auburndale Drive, Livonia, Michigan 48150, county of Wayne, representing Republicans, succeeding Agustin Arbulu, is appointed for a term expiring December 31, 2016.

Rasha Demashkieh of 5620 Lakeshore Road, Fort Gratiot, Michigan 48059, county of Saint Clair, representing Independents, succeeding herself, is reappointed for a term expiring December 31, 2019.

Deloris Hunt of 27256 Winterset Circle, Farmington Hills, Michigan 48334, county of Oakland, representing Democrats, succeeding herself, is reappointed for a term expiring December 31, 2019.

November 30, 2015

I respectfully submit to the Senate the following appointments to office:

**Michigan Gaming Control Board**

Patrick M. McQueen of 1915 Hickory Bark Lane, Bloomfield Hills, Michigan 48304, county of Oakland, a Republican, succeeding himself, is reappointed for a term expiring December 31, 2019.

Andrew T. Palms of 10500 Scio Church Road, Chelsea, Michigan 48118, county of Washtenaw, a Democrat, succeeding himself, is reappointed for a term expiring December 31, 2019.

November 30, 2015

I respectfully submit to the Senate the following appointment to office:

**Mental Health Diversion Council**

Milton L. Mack of 38715 Meadowlawn Drive, Wayne, Michigan 48184, county of Wayne, representing the State Court Administrative Office, succeeding John Hohman, is appointed for a term expiring January 30, 2016.

December 3, 2015

I respectfully submit to the Senate the following appointments to office:

**Michigan Domestic and Sexual Violence Prevention and Treatment Board**

Yvonne D. Brantley of 2005 Fremont Street, Bay City, Michigan 48708, county of Bay, succeeding herself, is reappointed for a term expiring December 4, 2018.

Elizabeth P. Hines of 826 Sunrise Court, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding herself, is reappointed for a term expiring December 4, 2018.

Jeffrey L. Sauter of 2682 Walnut Grove, Grand Ledge, Michigan 48837, county of Eaton, succeeding himself, is reappointed for a term expiring December 4, 2018.

December 3, 2015

I respectfully submit to the Senate the following appointments to office:

**Chair - Governor's Task Force on Child Abuse and Neglect**

John A. Hohman of 8866 Sydney Drive, Saline, Michigan 48176, county of Washtenaw, is appointed for a term expiring at the pleasure of the Governor.

**Governor's Task Force on Child Abuse and Neglect**

Tana Bridge of 6838 Kings Mill Drive, Canton, Michigan 48187, county of Wayne, representing health and mental health professionals, succeeding Gary Anderson, is appointed for a term expiring December 31, 2018.

Robinjit Eagleson of 15787 Pastoral Path, East Lansing, Michigan 48823, county of Ingham, representing judges and attorneys, succeeding herself, is reappointed for a term expiring December 31, 2018.

Nick Lyon of 201 Townsend Street, Lansing, Michigan 48913, county of Ingham, representing Director of the Department of Health and Human Services, succeeding himself, is reappointed for a term expiring December 31, 2018.

Frederick Gruber of 18551 Country Club Court, Riverview, Michigan 48193, county of Wayne, representing child advocates, succeeding himself, is reappointed for a term expiring December 31, 2018.

John A. Hohman of 8866 Sydney Drive, Saline, Michigan 48176, county of Washtenaw, representing judges and attorneys, succeeding Kenneth Tacoma, is appointed for a term expiring December 31, 2018.

Veda D. Thompkins of 18727 Avon Street, Detroit, Michigan 48219, county of Wayne, representing law enforcement community, succeeding Larry Watkins, is appointed for a term expiring December 31, 2016.

December 3, 2015

I respectfully submit to the Senate the following appointments to office:

**Michigan Board of Medicine**

Michael Chrissos of 415 Sumark Way, Ann Arbor, Michigan 48103, county of Washtenaw, representing physicians, succeeding Richard Burney, is appointed for a term expiring December 31, 2019.

Louis Joseph Prues of 1047 Audubon, Grosse Pointe Park, Michigan 48230, county of Wayne, representing the general public, succeeding himself, is reappointed for a term expiring December 31, 2019.

James D. Rogers of 4612 Arthur Court, Williamsburg, Michigan 49690, county of Grand Traverse, representing physicians, succeeding himself, is reappointed for a term expiring December 31, 2019.

Dennis C. Szymanski of 1744 N. M63, Benton Harbor, Michigan 49022, county of Berrien, representing physicians, succeeding himself, is reappointed for a term expiring December 31, 2019.

Mohammed Ali Arsiwala of 914 Pond Island Court, Novi, Michigan 48167, county of Wayne, representing physicians, succeeding himself, is reappointed for a term expiring December 31, 2019.

Rosalie Tocco-Bradley of 133 Ashley Mews Drive, Ann Arbor, Michigan 48104, county of Washtenaw, representing physicians, succeeding herself, is reappointed for a term expiring December 31, 2019.

December 3, 2015

I respectfully submit to the Senate the following appointment to office:

**Michigan Veterans' Facilities Board of Managers**

Paul W. Potter of 2633 Middleboro Lane, N.E., Grand Rapids, Michigan 49506, county of Kent, representing Veterans of Foreign Wars, succeeding Ernest Meyers, is appointed for a term expiring February 28, 2017.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Schmidt as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 250, entitled**

A bill to amend 2014 PA 138, entitled "Workforce opportunity wage act," by amending section 4b (MCL 408.414b).

**Senate Bill No. 509, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145f. The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 187, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 2, 3, 3a, 4, 4a, 8, 9, 10, 11b, 12, 13, 14, 15, 16, and 19 (MCL 432.102, 432.103, 432.103a, 432.104, 432.104a, 432.108, 432.109, 432.110, 432.111b, 432.112, 432.113, 432.114, 432.115, 432.116, and 432.119), sections 2 and 9 as amended by 2008 PA 401, sections 3, 4a, and 12 as amended by 2012 PA 189, sections 3a, 8, 10, and 11b as amended by 2006 PA 427, sections 4, 13, 14, 15, and 16 as amended by 1999 PA 108, and section 19 as amended by 1995 PA 263, and by adding article 2; to designate sections 1 to 20 as article 1; and to repeal acts and parts of acts.

Substitute (S-4).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 105, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes

for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 2014 PA 473, and by adding section 11g.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 234, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 651, 655, and 657 (MCL 206.651, 206.655, and 206.657), section 651 as amended by 2011 PA 171 and sections 655 and 657 as added by 2011 PA 38.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 581, entitled**

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 5, 5a, 5b, 7, 8, 33, and 34 (MCL 28.725, 28.725a, 28.725b, 28.727, 28.728, 28.733, and 28.734), sections 5 and 5b as amended by 2011 PA 17, section 5a as amended by 2013 PA 149, section 7 as amended by 2011 PA 18, section 8 as amended by 2013 PA 2, section 33 as added by 2005 PA 127, and section 34 as amended by 2005 PA 322.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 508, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 145e.  
Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 10, after “(A)” by inserting “**TO THE EXTENT CONTENT IS PROVIDED BY ANOTHER PERSON,**”.
2. Amend page 2, line 10, after “**PROVIDING**” by inserting a colon and “**(i) AN**”.
3. Amend page 2, line 11, after “**230**” by striking out the comma and “**OR**” and inserting a semicolon and “**(ii)**”.
4. Amend page 2, line 13, after “**153**” by striking out the balance of the line through “**PERSON.**” on line 14 and inserting a semicolon and “**(iii) A COMMERCIAL MOBILE SERVICE AS DEFINED IN 47 USC 332;**  
**(iv) A DIRECT-TO-HOME SATELLITE SERVICE AS DEFINED IN 47 USC 303(v); OR**  
**(v) A VIDEO SERVICE AS DEFINED IN 2006 PA 480, MCL 484.3301 TO 484.3315.**”.

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 592, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 10205 (MCL 333.10205), as added by 1999 PA 62.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

**House Bill No. 4059, entitled**

A bill to amend 1980 PA 300, entitled “An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to authorize and make appropriations for the retirement system; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 61 (MCL 38.1361), as amended by 2012 PA 464.

The House of Representatives has amended the Senate substitute (S-8) as follows:

1. Amend page 9, following line 4, by striking out all of subsection (11) and inserting:

**“(11) SUBSECTION (1) DOES NOT APPLY TO A RETIRANT WHO IS A FORMER TEACHER OR ADMINISTRATOR WHO RETIRES AFTER JUNE 30, 2010 AND ON OR BEFORE OCTOBER 1, 2014, WHO FOLLOWING A BONA FIDE TERMINATION, INCLUDING NOT WORKING IN THE MONTH OF HIS OR HER RETIREMENT EFFECTIVE DATE, BECOMES EMPLOYED IN A TEACHING OR RESEARCH CAPACITY OR IN A PROGRAM-DEPARTMENT DIRECTION CAPACITY BY A UNIVERSITY THAT IS CONSIDERED A REPORTING UNIT FOR THE LIMITED PURPOSE DESCRIBED IN SECTION 7(3). A RETIRANT DESCRIBED IN THIS SUBSECTION IS NOT ELIGIBLE TO USE ANY SERVICE OR COMPENSATION ATTRIBUTABLE TO THE EMPLOYMENT DESCRIBED IN THIS SUBSECTION FOR RECOMPUTATION OF HIS OR HER RETIREMENT ALLOWANCE. THE REPORTING UNIT AT WHICH THE RETIRANT PROVIDES THE SERVICES DESCRIBED IN THIS SUBSECTION SHALL PAY 100% OF THE CONTRIBUTION RATES FOR THE UNFUNDED ACTUARIAL ACCRUED LIABILITY FOR RETIREE HEALTH CARE AND THE UNFUNDED ACTUARIAL ACCRUED LIABILITY FOR PENSION TO THE RETIREMENT SYSTEM FOR THE EMPLOYMENT DESCRIBED IN THIS SUBSECTION. THE REPORTING UNIT SHALL REPORT THE EMPLOYMENT OF A RETIRANT AS DESCRIBED IN THIS SUBSECTION TO THE RETIREMENT SYSTEM BY JULY 1 OF EACH YEAR. THE REPORTING UNIT SHALL INCLUDE IN THE REPORT THE NAME OF THE RETIRANT, THE CAPACITY IN WHICH THE RETIRANT IS EMPLOYED, AND THE TOTAL ANNUAL COMPENSATION PAID TO THE RETIRANT.”**

The House of Representatives has concurred in the Senate substitute (S-8) as amended and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the House amendment made to the Senate substitute,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 551**

**Yeas—37**

Ananich	Hildenbrand	Kowall	Rocca
Bieda	Hood	MacGregor	Schmidt
Booher	Hopgood	Marleau	Schuitmaker
Brandenburg	Horn	Meekhof	Shirkey
Casperson	Hune	Nofs	Smith
Colbeck	Johnson	O’Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hertel			

**Nays—0**

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: O'Brien

**Third Reading of Bills**

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 513**

**Senate Bill No. 481**

**Senate Bill No. 482**

**Senate Bill No. 483**

**Senate Bill No. 485**

The motion prevailed.

The President, Lieutenant Governor Calley, assumed the Chair.

Senator Colbeck stated that had he been present on December 3 when the votes were taken on the passage of the following bills, he would have voted "nay":

**Senate Bill No. 616**

**Senate Bill No. 617**

**Senate Bill No. 618**

Senator Colbeck stated that had he been present on December 3 when the votes were taken on the passage of the following bills, he would have voted "yea":

**Senate Bill No. 418**

**Senate Bill No. 425**

**Senate Bill No. 426**

**Senate Bill No. 612**

**Senate Bill No. 613**

**Senate Bill No. 614**

The following bill was read a third time:

**Senate Bill No. 513, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 3a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 552****Yeas—37**

Ananich	Hildenbrand	Kowall	Rocca
Bieda	Hood	MacGregor	Schmidt
Booher	Hopgood	Marleau	Schuitmaker
Brandenburg	Horn	Meekhof	Shirkey
Casperson	Hune	Nofs	Smith
Colbeck	Johnson	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hertel			

**Nays—0**

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 481, entitled**

A bill to amend 2000 PA 321, entitled “Recreational authorities act,” by amending sections 3 and 11 (MCL 123.1133 and 123.1141), as amended by 2003 PA 135, and by adding section 12.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 553**

**Yeas—36**

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Schmidt
Booher	Hood	MacGregor	Schuitmaker
Brandenburg	Hopgood	Marleau	Shirkey
Casperson	Horn	Meekhof	Smith
Colbeck	Hune	Nofs	Stamas
Emmons	Johnson	O’Brien	Warren
Green	Jones	Pavlov	Young
Gregory	Knezek	Proos	Zorn

**Nays—1**

Rocca

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.



The following bill was read a third time:

**Senate Bill No. 482, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending sections 2 and 4a (MCL 722.952 and 722.954a), section 2 as amended by 1997 PA 172 and section 4a as amended by 2010 PA 265.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 554**

**Yeas—37**

Ananich	Hildenbrand	Kowall	Rocca
Bieda	Hood	MacGregor	Schmidt
Booher	Hopgood	Marleau	Schuitmaker
Brandenburg	Horn	Meekhof	Shirkey
Casperson	Hune	Nofs	Smith
Colbeck	Johnson	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hertel			

**Nays—0**

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 483, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a and 18f of chapter XIIA (MCL 712A.13a and 712A.18f), section 13a as amended by 2012 PA 163 and section 18f as amended by 2012 PA 115.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 555**

**Yeas—37**

Ananich	Hildenbrand	Kowall	Rocca
Bieda	Hood	MacGregor	Schmidt
Booher	Hopgood	Marleau	Schuitmaker
Brandenburg	Horn	Meekhof	Shirkey
Casperson	Hune	Nofs	Smith
Colbeck	Johnson	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren

Green  
Gregory  
Hertel

Knezek  
Knollenberg

Proos  
Robertson

Young  
Zorn

**Nays—0**

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: President

Senator Jones offered to amend the title to read as follows:

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 24 and 36 of chapter X and sections 13a and 18f of chapter XIIA (MCL 710.24, 710.36, 712A.13a, and 712A.18f), section 24 of chapter X as amended by 2014 PA 531, section 36 of chapter X as amended by 1996 PA 409, section 13a of chapter XIIA as amended by 2012 PA 163, and section 18f of chapter XIIA as amended by 2012 PA 115.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

**Senate Bill No. 485, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 13a and 18 of chapter XIIA (MCL 712A.13a and 712A.18), section 13a as amended by 2012 PA 163 and section 18 as amended by 2011 PA 295.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 556**

**Yeas—37**

Ananich  
Bieda  
Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green  
Gregory  
Hertel

Hildenbrand  
Hood  
Hopgood  
Horn  
Hune  
Johnson  
Jones  
Knezek  
Knollenberg

Kowall  
MacGregor  
Marleau  
Meekhof  
Nofs  
O’Brien  
Pavlov  
Proos  
Robertson

Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Smith  
Stamas  
Warren  
Young  
Zorn

**Nays—0**

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

Senator Kowall moved that consideration of the following resolutions be postponed for today:

**House Concurrent Resolution No. 3****Senate Resolution No. 76****Senate Resolution No. 75**

The motion prevailed.

Senators Hertel, Bieda, Hood, Young, Warren, Hopgood and Ananich offered the following resolution:

**Senate Resolution No. 122.**

A resolution to designate December 9-16, 2015, as Remembrance for All Victims of Gun Violence Week in Michigan. Whereas, Twenty children and six teachers were shot and killed at Sandy Hook Elementary School in Newtown, Connecticut, on December 14, 2012; and

Whereas, In the United States, an average of seven children and teens under the age of 20 are killed by guns every day; and

Whereas, American children die by guns 11 times as often as children in other high-income countries; and

Whereas, Since 1968, more Americans have perished in acts of domestic gun violence than in all the wars in our nation's history; and

Whereas, Gun violence claims the lives of over 30,000 Americans every year, with over 19,000 suicides and over 11,000 homicides; and

Whereas, The faith communities, the peace communities, the education communities, and the medical communities of Michigan wish to honor and remember all victims of gun violence in thoughtful prayer, contemplation, and quiet reflection; and

Whereas, The National Vigil to #End Gun Violence is a nationwide observance to honor the lives and memories of the victims from December 9-16, 2015; and

Whereas, We as a state must do what we can to reduce this growing epidemic of gun violence in our state and our country; now, therefore, be it

Resolved by the Senate, That the members of this legislative body designate December 9-16, 2015, as Remembrance for All Victims of Gun Violence Week in Michigan; and be it further

Resolved, That each of us is encouraged to honor our peacemakers and renew our commitment to the prevention of gun violence in the future.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Booher, Gregory and Smith were named co-sponsors of the resolution.

Senator Schmidt offered the following concurrent resolution:

**Senate Concurrent Resolution No. 21.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation that prohibits the manufacture and sale of consumer products containing plastic microbeads.

Whereas, Manufacturers have been adding plastic microbeads to facial scrubs, toothpaste, and other personal care products for years. After use of these products, microbeads wash down drains but are not removed by most municipal wastewater treatment plants. Once in the environment, they degrade very slowly, if at all; and

Whereas, Plastic microbeads are now found in ever-increasing quantities in the Great Lakes and the oceans. Studies have identified these particles in concentrations as high as 180,000 particles per square mile in areas downstream of major cities on the Great Lakes, with average concentrations of 17,000 particles per square mile in the Great Lakes; and

Whereas, Plastic microbeads pose a threat to aquatic life in the Great Lakes and the oceans. These small particles can be mistaken for food by fish and other aquatic life, providing no nutritional value and potentially affecting growth. In addition, toxic pollutants may concentrate on the surface of plastic microbeads, increasing exposure to fish and people that eat fish; and

Whereas, Allowing the continued buildup of plastic microbeads in the Great Lakes runs counter to the current efforts to clean up the lakes. Michigan, the other Great Lakes states, and the federal government invest millions of dollars each year to protect and restore the Great Lakes and their billion-dollar commercial and sport fisheries; and

Whereas, The most efficient and cost-effective means to stop the buildup of plastic microbeads is to eliminate them from consumer products. Plastic microbeads are not essential, and these products will still be effective without them. Plastic microbeads may also be replaced with natural alternatives. It is far easier to remove plastic microbeads from products than install expensive upgrades to wastewater treatment plants throughout the country; and

Whereas, Industry leaders have begun to voluntarily phase out plastic microbeads. Unilever and some other companies have already removed all plastic microbeads from their personal care products. Other major companies, such as Johnson & Johnson, L'Oréal, and Proctor & Gamble, have pledged to phase out polyethylene microbeads; and

Whereas, Current federal legislation (H.R. 1321) would prohibit the sale or distribution of cosmetics containing plastic microbeads. If enacted, all plastic microbeads in these products, whether biodegradable or not, would be phased out over the next three years. Enactment would apply uniform standards across the country to all manufacturers and ensure the protection of our treasured waters; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation that prohibits the manufacture and sale of consumer products containing plastic microbeads; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Kowall moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the concurrent resolution,

Senator Kowall moved that the concurrent resolution be referred to the Committee on Natural Resources.

The motion prevailed.

Senators Booher, Casperson, Gregory, Jones, Kowall and Zorn were named co-sponsors of the concurrent resolution.

### **Introduction and Referral of Bills**

Senators Warren, Ananich, Gregory, Bieda, Hertel, Hopgood and Young introduced

#### **Senate Bill No. 642, entitled**

A bill to amend 2010 PA 270, entitled "Property assessed clean energy act," by amending sections 3, 9, and 15 (MCL 460.933, 460.939, and 460.945).

The bill was read a first and second time by title and referred to the Committee on Energy and Technology.

Senators Young, Ananich and Gregory introduced

#### **Senate Bill No. 643, entitled**

A bill to require all state departments and agencies to establish certain water affordability criteria; and to prescribe the powers and duties of certain state and local governmental officers and entities.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Stamas introduced

#### **Senate Bill No. 644, entitled**

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 305a (MCL 331.1305a), as added by 2010 PA 331.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Kowall introduced

#### **Senate Bill No. 645, entitled**

A bill to establish uniform criteria for determining an employee-employer relationship for purposes of the laws of this state; to prohibit misclassification of employees in reports required of employers by this state; and to provide sanctions.

The bill was read a first and second time by title and referred to the Committee on Commerce.

**House Bill No. 4095, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal year ending September 30, 2016; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

**House Bill No. 4408, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 18813.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Agriculture.

**House Bill No. 4598, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16192 and 16201 (MCL 333.16192 and 333.16201), section 16192 as amended by 2013 PA 268 and section 16201 as amended by 1988 PA 462, and by adding section 16326 and part 171.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

**House Bill No. 4747, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5821 (MCL 600.5821), as amended by 1988 PA 35.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

**House Bill No. 4999, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16192, 16201, 16349, 17708, 17751, and 17763 (MCL 333.7405, 333.16192, 333.16201, 333.16349, 333.17708, 333.17751, and 333.17763), sections 7405, 17708, and 17763 as amended by 2012 PA 209, section 16192 as amended by 2013 PA 268, section 16201 as amended by 1988 PA 462, section 16349 as added by 1993 PA 79, and section 17751 as amended by 2014 PA 525.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Agriculture.

### Statements

Senators Meekhof and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Meekhof's statement is as follows:

I rise today to take a moment to recognize a hero, a husband, and a father who passed away last month. Ottawa County Deputy Sheriff Matthew Chatfield lost his battle with colon cancer on Thanksgiving Day. Deputy Chatfield was 39 years old and leaves behind his wife and three children.

Chatfield was born in Onsted and graduated from Grand Valley State University in 1999. Following graduation, Chatfield began his career at the Ottawa County Sheriff's Department. As was noted in local coverage of Deputy Chatfield's service: "The celebration of life lasted more than an hour as family members and loved ones shared stories of their time spent with Chatfield. They spoke about his battle with cancer, his love for his community, and his choice to protect it as a member of law enforcement."

The holidays are a wonderful time to celebrate and enjoy the spirit of the holiday season. More importantly, the holidays are a time to gather with our family and friends and appreciate the people in our lives who support us and bring us joy; also to remember those who are no longer with us. It will certainly be a bittersweet holiday season for the Chatfield family, and I hope they find peace and comfort in memories and fellow loved ones.

A moment of silence was observed in memory of Ottawa County Deputy Sheriff Matthew Chatfield.

Senator Bieda's statement is as follows:

Saturday night our longtime-serving Macomb County Treasurer Ted B. Wahby passed away. Ted was a very good friend of mine, and I have known him for quite a few years. I started in Young Democrats, and Ted was a very forceful personality in Macomb County politics, the community, and in a whole incredible range of things that he was involved in. I think the best thing I could say about him, of many good things, was that I considered him a very good friend. He had a great sense of humor. I will always remember one of the things that always stuck out in mind was the number of different roasts I would go to, and he had an incredibly gifted sense of humor. Ted was also a very complex individual with an incredible array of talents and contributions to the community.

He was born on February 10, 1931, in Leamington, Ontario, to Joseph and Ann Wahby. In 1952, he met the love of his life, Yvonne, at a dance in Windsor. They married on April 25, 1953, at Immaculate Conception Church in Windsor. After living in Windsor and Detroit, they became residents of St. Clair Shores in 1964, where they raised their six children: Sandra, Joseph, Cheryl, Walter, Susan, Teddy, and Michelle. They were later blessed with the job of grandparenthood with the addition on nine grandchildren and three great-grandchildren.

Ted had a remarkable career of service in both the business and political sectors. He was a Comerica Bank vice president for 31 years, as well as vice chairman of Ferris State University's Board of Regents and Finance Committee chairman. Because he believed in improving the lives of others, he began his political career as Lake Shore School Board vice president from 1979 to 1981. He was elected to the St. Clair Shores City Council and served from 1981 to 1983, until he became the St. Clair Shore's mayor from 1983 to 1995. In 1995-present, Ted served as Macomb County Treasurer, a role he has filled with much passion. His legacy of service to all who had the pleasure of coming into contact with him will long be remembered.

He served numerous organizations to improve and benefit our state, county, community, and individuals' quality of life. He was Michigan State Transportation Commission chairman, Macomb County Building Authority treasurer, Macomb County Economic Development Corporation member, Macomb County Solid Waste Planning Committee member, Shorewood Kiwanis member, Bishop Murphy Knights of Columbus 4th degree member, Medstar Ambulance Board of Directors member, University Truckload Services, Inc., Board of Directors member and chairman of the Audit Committee, M-59 Corridor Association member, Lebanese-American Chamber of Commerce advisory member, and Mt. Clemens General Hospital—now McLaren Macomb Hospital—chairman of the board, where the Ted B. Wahby Cancer Center was named in his honor. Indeed, he was a much-beloved, admired community leader whose tireless work over the years has touched thousands.

The life of Ted Wahby is a study in the power of hard work, dedication, and commitment. To all who came into contact with this highly-respected individual, he exemplified the spirit, enthusiasm, and dedication necessary in today's world. He believed his duty in life was to help those in need. Hence, his work to feed the homeless and the poor at his home parish of St. Margaret of Scotland Church in St. Clair Shores and leaving Christmas gifts for needy children. He has been a public servant of the highest caliber who was the winner of five National Association of County Achievement awards, March of Dimes Man of the Year, Mt. Clemens General Hospital Citizen of the Year, SEMCOG Joint Public Services award recipient for Outstanding Leadership, Thanks for Giving Awards Committee recognition for philanthropic and volunteer efforts, Michigan Hospital Association Healthcare Leadership Award, Kiwanis Hickson Award, and Macomb County Hall of Fame inductee. In *Crain's Detroit Business* Special Report on Regional Leadership, Ted was named as one of 21 regional powerbrokers.

Understanding, unselfish, and untiring in his efforts to help others, Ted's legacy will live on. He has left an unfillable void in many lives, and we extend our sympathies to those who suffer his loss but treasure his memory.

A moment of silence was observed in memory of Ted B. Wahby, Macomb County Treasurer.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

The following communication was received and read:

Office of the Auditor General

December 3, 2015

Enclosed is a copy of the following audit report:

Performance audit report on the Licensing and Regulating of Automotive-Related Businesses and Mechanics, Department of State.

Sincerely,  
Doug Ringler  
Auditor General

The audit report was referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 3:  
**House Bill Nos. 4095 4408 4598 4747 4999**

The Secretary announced that the following bills were printed and filed on Thursday, December 3, and are available at the Michigan Legislature website:

**House Bill Nos. 5106 5107 5108**

The Secretary announced that the following bills and joint resolution were printed and filed on Friday, December 4, and are available at the Michigan Legislature website:

**Senate Bill Nos. 634 635 636 637 638 639 640 641**

**House Bill Nos. 5109 5110 5111 5112 5113 5114 5115 5116 5117 5118 5119 5120**

**House Joint Resolution EE**

### Committee Reports

The Committee on Transportation reported

**Senate Bill No. 51, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 4a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson  
 Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov, Marleau and Hopgood

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, December 3, 2015, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Horn, Pavlov, Marleau and Hopgood

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4658, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 6096.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
 Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4742, entitled**

A bill to make uniform the laws relating to support enforcement; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
 Chairperson

## To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4743, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2014 PA 381.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4744, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 2 (MCL 552.602), as amended by 2014 PA 373.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4745, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 2 (MCL 552.502), as amended by 2009 PA 233.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Judith K Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, December 2, 2015, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Pavlov, Jones, Casperson and Johnson

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, December 3, 2015, at 1:39 p.m., Room 100, Farnum Building

Present: Senators Pavlov (C), Knollenberg, Booher and Knezek

Excused: Senator Colbeck



**Scheduled Meetings**

**Appropriations** - Wednesday, December 9, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-1801)

**Commerce** - Wednesday, December 9, 8:30 a.m., Room 210, Farnum Building (373-5312)

**Education** - Wednesday, December 9, 8:30 a.m., Room 110, Farnum Building (373-5314)

**Insurance** - Wednesday, December 9, 2:00 p.m., Room 100, Farnum Building (373-5312)

**Natural Resources** - Wednesday, December 9, 12:30 p.m., Room 210, Farnum Building (373-5314)

**Outdoor Recreation and Tourism** - Wednesday, December 9, 12:30 p.m., Room 110, Farnum Building (373-1721)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 12:04 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, December 9, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

